

## Article - Environment

[\[Previous\]](#)[\[Next\]](#)

§5–204.

(a) (1) It is the intent of the General Assembly to establish consolidated procedures and notice and hearing requirements for Subtitles 5 and 9 of this title and Titles 14, 15, and 16 of this article in order to ensure efficient review and consistent decision making.

(2) Notwithstanding any provision of the State Government Article, public notice on pending applications provided in accordance with the provisions of this section shall be the only notice required by law.

(b) (1) Applicants shall ascertain the names and addresses of all current owners of property contiguous to the parcel upon which the proposed activity will occur and personally or by certified mail serve notice upon each owner.

(2) Applicants shall serve personally or by certified mail appropriate local officials.

(3) Applicants shall provide the Department with certification that notice has been served on all contiguous property owners and appropriate local officials.

(4) Upon substantial completion of an application, the Department shall draft a public notice that includes:

(i) The name and address of the applicant;

(ii) A description of the location and nature of the activity for which application has been made;

(iii) The name, address, and telephone number of the office within the Department from which information about the application may be obtained;

(iv) A statement that any further notices about actions on the application will be provided only by mail to those persons on a mailing list of interested persons;

(v) A description of how persons may submit information or comments about the application, request a public informational hearing, or request to be included on the mailing list of interested persons; and

(vi) A deadline for the close of the public comment period by which information, comments, or requests must be received by the Department.

(5) The Department shall prepare a public notice to be published for at least 1 business day in a newspaper of general circulation in the area where the proposed activity would occur. At its discretion, the Department shall:

(i) Publish the public notice; or

(ii) Direct the applicant to publish the public notice.

(6) The applicant shall bear the cost of the newspaper notice.

(7) The Department shall mail public notices to a general subscription mailing list.

(8) Comments on an application or requests for a public informational hearing must be forwarded in writing to the Department prior to the close of the public comment period specified in the public notice.

(9) The Department shall compile an interested persons list containing the names of all contiguous property owners, appropriate local officials, and individuals that comment on, request hearings, or make inquiries about an application during any phase of the Department's review.

(10) No further notice will be provided except to persons on the interested persons list.

(c) The Department shall hold a public informational hearing if it receives a timely written request in accordance with the following provisions:

(1) The request shall be received prior to the close of the public comment period.

(2) A public informational hearing shall be held within 45 calendar days of the close of the public comment period.

(3) The Department shall specify the date, time, and location of the public hearing.

(4) The Department shall mail notice of the date, time, and location of any public informational hearing on an application to those persons on the interested persons list no later than 14 calendar days prior to the hearing.

(5) The Department may extend the official record of a public informational hearing.

(d) Following the application review and comment period and within 30 calendar days after the close of the public informational hearing record, the Department shall issue, modify, or deny the permit or license unless extenuating circumstances justify an extension of time.

(e) The Department shall mail notice of a decision to issue, modify, or deny a permit or license to the applicant and to those persons on the interested persons list.

(f) (1) A final determination by the Department on the issuance, denial, renewal, or revision of any permit issued under Subtitle 5 or Subtitle 9 of this title or § 14–105, § 14–508, § 15–808, or § 16–307 of this article is subject to judicial review at the request of any person that:

(i) Meets the threshold standing requirements under federal law; and

(ii) 1. Is the applicant; or

2. Participated in a public participation process through the submission of written or oral comments, unless an opportunity for public participation was not provided.

(2) For permits listed under paragraph (1) of this subsection, a contested case hearing may not occur.

(g) A person petitioning for judicial review in accordance with this section shall file the petition in accordance with the Maryland Rules.

(h) (1) Judicial review shall be on the administrative record before the Department and limited to objections raised during the public comment period, unless the petitioner demonstrates that:

(i) The objections were not reasonably ascertainable during the comment period; or

(ii) Grounds for the objections arose after the comment period.

(2) The court shall remand the matter to the Department for consideration of objections under paragraph (1) of this subsection.

(i) (1) Unless otherwise required by statute, a petition for judicial review by a person who meets the requirements of subsection (f) of this section shall be filed with the circuit court for the county where the application for the permit states that the proposed activity will occur.

(2) Judicial review under this section shall be conducted in accordance with Title 1, Subtitle 6 of this article.

[\[Previous\]](#)[\[Next\]](#)